

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR
9004-1(b)

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In Re:

ELLIOT A. GRIFFIN and NIA GRIFFIN

Debtor(s).



Order Filed on September 24, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 18-17375 KCF

Chapter: 13

Hearing Date: September 12, 2018

Judge: Hon. Kathryn C. Ferguson,
Chief Judge

Recommended Local Form: ☒ Followed ☐ Modified

ORDER RESOLVING MOTION TO VACATE STAY
AND/OR MOTION TO DISMISS
WITH CONDITIONS

The relief set forth on the following page(s) is hereby **ORDERED**.

DATED: September 24, 2018

A handwritten signature in black ink, appearing to read "Kathryn C. Ferguson".
Honorable Kathryn C. Ferguson
United States Bankruptcy Judge

Applicant:	PENNYMAC LOAN SERVICES, LLC
Applicant's Counsel:	Fein, Such, Kahn & Shepard, P.C.
Debtors' Counsel:	ROBERT MANCHEL
Property Involved (Collateral")	44 BRADFORD LANE WILLINGBORO, NJ 08046

Relief sought: ☒ Motion for relief from the automatic stay

☐ Motion to dismiss

☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtors are overdue for 5 months, from May, 2018 to September, 2018.
- ☒ The Debtors are overdue for 5 payments at \$1,649.19 per month.
- ☐ The Debtors are assessed for N/A late charges at N/A per month.
- ☐ Applicant acknowledges receipt of funds in the amount of N/A received after the motion was filed.

Total Arrearages Due \$8,245.95.

2. Debtors must cure all post-petition arrearages, as follows:

- ☒ Immediate payment shall be made in the amount of \$5,500.00. Payment shall be made no later than September 20, 2018.
- ☒ Beginning on October 1, 2018, regular monthly mortgage payments shall continue to be made in the amount of \$1,649.18.
- ☒ Beginning October, 2018, additional monthly cure payments shall be made for 6 months. Debtors shall make cure payments in the amount of \$457.66 for October, 2018 through February, 2019 and \$457.65 for March, 2019.

☐ The amount of \$N/A shall be capitalized in the Debtors' Chapter 13 plan. The Debtors' monthly payment to the Chapter 13 Trustee is modified to be \$N/A per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

- ☒ Immediate payment: Pennymac Loan Services, LLC
c/o Fein, Such, Kahn & Shepard P.C.
7 Century Drive Suite 201,
Parsippany, NJ 07054
- ☒ Regular monthly payment: Pennymac Loan Services, LLC c/o
3043 Townsgate Road
Westlake Village, CA 91361
- ☒ Monthly cure payment: Pennymac Loan Services, LLC c/o
3043 Townsgate Road
Westlake Village, CA 91361

4. In the event of Default:

☒ If the Debtors fail to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtors' failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and the Debtors' attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorneys fees of \$400.00, and costs of \$181.00.

The fees and costs are payable:

☒ through the Chapter 13 plan.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.